

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARVEONTRAE MALIK COLLINS,

Defendant.

NO. CR20-5001BHS

ORDER VACATING TRIAL DATE

Based on General Orders No. 01-20, 02-20, 03-20, 04-20, 08-20, 09-20 and 11-20 issued in response to the continuing outbreak of Coronavirus Disease 2019 (COVID-19), the Court determines that trial in this case cannot proceed on the currently scheduled date of September 1, 2020. General Order No. 08-20 continues all grand jury proceedings, as well as civil and criminal in-person hearings and trial dates scheduled to occur before August 3, 2020 pending further order of the Court. General Order No. 09-20, issued on June 25, 2020 continues the procedures in General Order 04-20 (pertaining to conducting criminal proceedings other than trial by video or telephone conference) another 90 days from the date of its issue as they are necessary to preserve the public health and safety. General Order No. 11-20, issued on July 30, 2020 continues the procedures established by General Orders 02-20 and 03-20 until September 8, 2020.

Given that these proceedings will be conducted remotely, the undersigned concludes

1 for the same reasons that in-person trials cannot proceed at least through September 8, 2020.

2 For the reasons detailed in General Orders No. 02-20 and 08-20 and 11-20, the ends  
3 of justice served by a continuance outweigh the best interests of the public and the defendant  
4 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(i), (iv). For the same reasons, extraordinary  
5 circumstances exist under 18 U.S.C. § 3060(C) and justice requires delay of all criminal  
6 preliminary hearings during the time period of these continuances.

7 IT IS THEREFORE ORDERED that the trial date and other dates shall be continued.

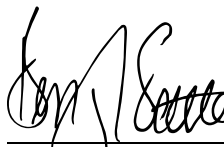
8 The trial date of September 1, 2020, and all other upcoming dates in this case, are  
9 hereby VACATED.

10 The parties shall file a Joint Status Report on or before September 8, 2020, with an  
11 agreed proposed schedule for a trial date and all pretrial deadlines. If the parties do not agree  
12 on a proposed schedule, each side shall set forth, in a single report, separate proposals for the  
13 trial date and pretrial deadlines.

14 IT IS FURTHER ORDERED that the time between the first instance on which the  
15 undersigned continued a trial in the instant case pursuant to the suspension of criminal trials  
16 in the Western District of Washington caused by the COVID-19 outbreak and September 8,  
17 2020, is excluded in computing the time within which trial must commence because the ends  
18 of justice served by continuing trial outweigh the best interest of the public and the defendant  
19 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Failure to order continuing trial would likely  
20 make trial impossible and result in a miscarriage of justice and would deny counsel for the  
21 defendant and government counsel the reasonable time necessary for effective preparation,  
22 taking into account the exercise of due diligence. *Id.* § (B)(i), (iv).

23 Dated this 18th day of August, 2020.

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BENJAMIN H. SETTLE  
United States District Judge